

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

BID FOR POSITION, LLC,

Plaintiff,

v.

AOL LLC and GOOGLE INC.,

Defendants.

CASE NO. 2:07-cv-582 JBF/TEM

Jury Trial Demanded

**NOTICE TO ALLOW DEFENDANTS GOOGLE AND AOL TO SEAL THE
DECLARATION OF CLAYTON BAVOR, JR. AND SUPPORTING EXHIBITS; THE
DECLARATION OF ROHIT RAO AND SUPPORTING EXHIBITS; CERTAIN
EXHIBITS TO THE DECLARATION OF EMILY C. O'BRIEN; AND PORTIONS OF
DEFENDANTS GOOGLE AND AOL'S MEMORANDUM IN SUPPORT OF THEIR
MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT OF
U.S. PATENT NO. 7,225,151**

PLEASE TAKE NOTICE that Defendants Google Inc. and AOL LLC (collectively, "Defendants"), by counsel, in the referenced matter have petitioned the Court to grant leave to file certain declarations, including the Declaration of Clayton Bavor, Jr. and the Declaration of Rohit Rao (collectively, "Confidential Declarations"); certain exhibits, including the supporting exhibits to the Declaration of Clayton Bavor, Jr., the supporting exhibits to the Declaration of Rohit Rao, and Exhibits 4 and 5 to the Declaration of Emily C. O'Brien (collectively, "Confidential Exhibits"); and portions of Defendants Google and AOL's Memorandum in Support of Their Motion for Summary Judgment of Non-Infringement of U.S. Patent No. 7,225,151 ("Portions of the Brief in Support") under seal. The Confidential Declarations, Confidential Exhibits and Portions of the Brief in Support contain information and testimony containing sensitive and valuable proprietary information relating, among other things, to the technical details of how certain Google, AOL and MIVA systems operate, certain information

marked by Plaintiff as “Confidential Attorneys’ Eyes Only” (Prosecution Bar) or “Confidential Attorneys’ Eyes Only” under the Protective Order, and certain expert contentions in this matter. This information is “Confidential Attorneys’ Eyes Only” (Prosecution Bar) or “Confidential Attorneys’ Eyes Only” under the Protective Order entered in this matter. Failing to file the Confidential Declarations, Confidential Exhibits and Portions of the Brief in Support under seal may risk the disclosure of confidential, trade secret information, would violate the Protective Order and potentially would cause competitive harm.

In compliance with Local Rule 5 of the Rules of this Court and *Ashcraft*, the Court posts the following notice to the public: “This serves as public notice that the Defendants Google Inc. and AOL LLC have moved the Court to seal the Declaration of Clayton Bavor, Jr. and supporting exhibits; the Declaration of Rohit Rao and supporting exhibits; Exhibits 4 and 5 to the Declaration of Emily C. O’Brien; and portions of Defendants Google and AOL’s Memorandum in Support of Their Motion for Summary Judgment of Non-Infringement of U.S. Patent No. 7,225,151. Objections to this Motion should be filed in the Civil Section of the Clerk’s Office. The Notice will be posted for a minimum of forty-eight (48) hours.”

Dated: July 24, 2008

Respectfully submitted,

/s/

Stephen E. Noona
VSB No. 25367
Counsel for Defendants Google Inc. and AOL LLC
KAUFMAN & CANOLES, P.C.
150 West Main Street, Suite 2100
Norfolk, VA 23510
Telephone: (757) 624-3000
Facsimile: (757) 624-3169
senoona@kaufcan.com

Charles K. Verhoeven, *pro hac vice*
David A. Perlson, *pro hac vice*
Emily C. O'Brien, *pro hac vice*
Antonio R. Sistos, *pro hac vice*
Katherine H. Bennett, *pro hac vice*
Counsel for Defendants Google Inc. and AOL LLC
QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP
50 California Street, 22nd Floor
San Francisco, CA 94111
Telephone: (415) 875-6600
Facsimile: (415) 875-6700
charlesverhoeven@quinnemanuel.com
davidperlson@quinnemanuel.com
emilyobrien@quinnemanuel.com
antoniosistos@quinnemanuel.com
katherinebennett@quinnemanuel.com

Thomas D. Pease, *pro hac vice*
Counsel for Defendants Google Inc. and AOL LLC
QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010
Telephone: (212) 849-7000
Facsimile: (212) 849-7100
thomaspase@quinnemanuel.com

John M. Williamson, *pro hac vice*
Counsel for Defendant AOL LLC
FINNEGAN HENDERSON FARABOW GARRETT &
DUNNER LLP
901 New York Avenue, NW, Suite 700
Washington, DC 20001
Telephone: (202) 408-4000
Facsimile: (202) 408-4400
john.williamson@finnegan.com

Robert L. Burns, II, *pro hac vice*
Counsel for Defendant AOL LLC
FINNEGAN HENDERSON FARABOW GARRETT &
DUNNER LLP
Two Freedom Square
11955 Freedom Drive
Reston, VA 20190
Telephone: (571) 203-2700
Facsimile: (202) 408-4400
robert.burns@finnegan.com

CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2008, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

Counsel for Plaintiff Bid For Position, LLC

Craig T. Merritt (VSB No. 20281)
R. Braxton Hill, IV (VSB No. 41539)
Nichole Buck Vanderslice (VSB No. 42637)
CHRISTIAN & BARTON, LLP
909 East Main Street, Suite 1200
Richmond, VA 23219-3095
Telephone: (804) 697-4100
Facsimile: (804) 697-4112
cmerritt@cblaw.com
bhill@cblaw.com
nvanderslice@cblaw.com

Gregory S. Dovel, *pro hac vice*
Christin K. Cho, *pro hac vice*
DOVEL & LUNER, LLP
201 Santa Monica Blvd., Suite 600
Santa Monica, CA 90401
Telephone: (310) 656-7066
Facsimile: (310) 656-7069
greg@dovellaw.com
christin@dovellaw.com

David E. Rosen, *pro hac vice*
MURPHY ROSEN & MEYLAN, LLP
100 Wilshire Blvd., Suite 1300
Santa Monica, CA 90401
Telephone: (310) 899-3300
Facsimile: (310) 399-7201
drosen@mrmlawyers.com

I also certify that on July 24, 2008, I will effect hand-delivery of the foregoing in accordance with Federal Rule of Civil Procedure 5(b)(2)(A) to the following:

Counsel for Plaintiff Bid For Position, LLC

Gregory S. Dovel, *pro hac vice*
Christin K. Cho, *pro hac vice*
DOVEL & LUNER, LLP
201 Santa Monica Blvd., Suite 600
Santa Monica, CA 90401
Telephone: (310) 656-7066
Facsimile: (310) 656-7069
greg@dovellaw.com
christin@dovellaw.com

David E. Rosen, *pro hac vice*
MURPHY ROSEN & MEYLAN, LLP
100 Wilshire Blvd., Suite 1300
Santa Monica, CA 90401
Telephone: (310) 899-3300
Facsimile: (310) 399-7201
drosen@mrmlawyers.com

/s/
Stephen E. Noona
VSB No. 25367
Counsel for Defendants Google Inc. and AOL LLC
KAUFMAN & CANOLES, P.C.
150 West Main Street, Suite 2100
Norfolk, VA 23510
Telephone: (757) 624-3000
Facsimile: (757) 624-3169
senoona@kaufcan.com